

## REMARKS

The Office in its correspondence of mail date 11/22/2004, included the following:

### *References in the Specification*

The Office noted that references must be submitted in a separate paper; and only those cited on PTO-892 to date had been considered by the Office. To that end, Applicant has herein amended references within the specification to corrolate with materials cited in PTO892 of mail date 11/22/2004 and/or in its PTO/SB/08A submitted under a 37CFR 1.8 mail date of 10/28/2004. No new matter is added. Applicant respectfully requests acknowledgement of receipt of its PTO/SB/08A and consideration of the references cited therein in a next communication.

### *Drawings*

The Office objected to the drawings for a reference number 19 not cited in the specification. Applicant has herein amended the drawing to remove the offending number, which should cure this objection.

Office further objected to the drawings for failing to show "Strands 2a in the innermost ring or layer in tension member 1 are preferably *threaded* [italics added] into holes 6 in the first plate, whereas strands 2b in the outermost ring or layer in tension member 1 are preferably *threaded* into holes 6 in the second ring 5."

Applicant responds as follows: Applicant has amended the english translation of the Norwegian specification to correct a subtle error not readily apparent at the time of commission. As is firmly supported by the original text and the figure, and again in the pending claims herein, the amendment replaces the english term "threaded" in the limited context of the manner in which the strands 2a are introduced into holes 6, with the english word "inserted". Reference to the original text, as confirmed by the drawing and the pending claims, will confirm the appropriateness of this correction and clarification to the specification. No new matter is added. This correction should cure the objection.

### AMENDMENTS TO THE DRAWINGS

The attached "replacement sheet" and "annotated sheet showing changes" of drawings includes changes to Figs. 1 and 2. The replacement sheet, which includes Figs. 1-2, replaces the original sheet including Figs. 1-2. In Fig. 1, reference "19" has been removed. In Fig. 2, previously omitted element reference "6a" has been added.

Office further objected to the drawings for failing to show a "slip agent", noting that structural details essential to understanding the invention should be shown, per MPEP §608.02(d).

Applicant responds that the specification and drawing Fig. 2 have been amended to add the reference "6a" for the term "slip agent", with an indication in Fig. 2 of its location on the wall of each hole 6. No new matter is added. These amendments should cure this objection.

### ***Specification***

Office objected to the introduction of the phrase, "or other similar fiber types" at amended specification page 3, line 11. Applicant has amended to remove the text, thus curing this objection.

Office objected for lack of antecedent basis in the specification to the terms "tension member comprises an anchoring element" in claim 11, and to "a first socket and second seocket" in claim 14, and to "threaded blind hole". Applicant notes that the amended specification in the third paragraph of the detailed description provides for and describes a "first plate ... and a second plate ... which function as *receiving bodies*, or sockets." Applicant has adopted the term "receiving body" over the terms "plate" and "socket" for consistency and clarity of the claims. Applicant has replaced claim 11 with new claim 22 and amended claim 14, with the intent of curing this objection, but was unable to detect the term "threaded blind hole" in any of pending claims 11-21.

Office objected to the use in claims of the term "walls" where a singular "wall" would suffice. Applicant has amended all occurrences in the claims and specification, thus curing this objection.

### ***Claims Objections***

Office objected to numerous claims informalities. Applicant asserts the objections to be cured by way of amendments and rewritten claims based on the subject matter as described in the specification. Applicant urges a telephonic review of any remaining objections for quickest resolution.

***Claims Rejections - 35 USC §112 First Paragraph***

Office rejected claims 11-14 under 35USC112, 1st para; for using “aramid” fibers, referring and presumably offering in the alternative the “carbon fibers, Kevlar or other similar fiber types” of the amended specification.

Applicant responds as follows. Claim 11 has been canceled and replaced by new claim 22 as the base claim for claims 12-14. Applicant traverses the rejection with respect to new claim 22, and claims 12-14 for use of the term “aramid” fibers as being new subject matter. As is well understood in the industry, and offered herein as a further amendment to the specification, Kevlar® is a registered trademark of E. I. du Pont de Nemours and Company. The goods and services description for the mark is variously recorded at the U.S. Trademark office as synthetic fibers, Feg. Reg. Nos. 2434020, 2525567, and 2257820, and specifically for *aramid* yarns, 2330496; *aramid* resin, 2121970; and *aramid* fibers, 1849336. Applicant respectfully asserts that the mark is a commonly misused, and widely understood, as a generic term for aramid fiber yarns, fabrics, and articles of apparel made therefrom, making the use of the term “aramid” in the specification and in the Markush claim appropriate. Applicant respectfully requests this rejection be withdrawn. The trademark Kevlar as used in the context of fiber types has no narrower meaning known to the Applicant or reasonably interpreted by those skilled in the art than *aramid* fibers, and could reasonably be argued to extend to synthetic fibers generally.

**Claims Rejections - 35 USC §112 Second Paragraph**

Office rejected claims 11-21 under 35USC112, 2nd paragraph, directly and for dependency on afflicted claims, for not defining or providing structural limitations to the termination, for "the same plates", for "sockets and plates" and other related and apparent inadequacies. The subject matter of claims 12 and 18 have been revised to satisfy this rejection. New claims 22 - 25 replace rejected claims 11, 15, 20 and 21 respectively, the Applicant intending to claim substantially the same subject matter in accordance with the requirements of 35USC112. No new matter is added. Applicant by its amendments and replacement claims asserts these rejections to have been cured.

**Claim Rejections – 35 USC § 103**

Office has rejected claims 11 (replaced by and assumed for these remarks to extend to new claim 22) and 12-14 under 35 USC 103(a), as being unpatentable over Flory's 5,611,636, in combination with Brandestini's 4,068,963. Applicant has carefully considered the rejection and respectfully submits that the new and amended claims, as supported by the arguments herein, are distinguishable from the cited references.

According to the MPEP §2143.01, "[o]bviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found in either the references themselves or in the knowledge generally available to one of ordinary skill in the art."

Base claim 22, intended to replace and rehabilitate rejected and now canceled claim 11, defines a conical hole, with a slip agent applied to the wall, with the strands inserted into the narrow end and locked in a hardened mass within the hole. It is a significant aspect of the invention, as is well described in the specification, that the hardened mass which closely conforms to the size and shape of the conical hole, has a particular characteristic *due to its non-stick relationship with the conical wall*, whereby it is susceptible by the tension on the fibers of sliding into a state of greater compression *with little or no shearing force* at the wall interface. This is distinguished from the prior art where the hardened mass is adhered to the wall. This state of sliding compression of the

hardened mass, greater in the absence of a side wall shear force, is a significant improvement over the prior art of terminations for very high tension loads.

The Office acknowledges Flory fails to disclose a slip agent applied to the wall, and Applicant asserts further that there is no teaching or motivation within Flory or the art prior to this invention for modifying Flory to use a slip agent in a conical hole in the manner claimed.

Office then cites Brandestine to teach a slip applied to a wall in a hole to act as a friction-reducer, and alleges this to combine under 35USC103 with Flory to teach, suggest or motivate the invention. Applicant traverses the analysis of Brandestine and the combination, for this reason.

A close review of Brandestini, as at col. 2, and in the Figures, distinguishes its anchoring head section 1 from its guide bore 8 in both form and function. The guide bore has a reducing taper which benefits from the application of a slip agent to facilitate the actual *insertion* of the cables. However this in no way contributes to the anchoring structure or holding scheme of Brandestini, which resides within the anchoring head section 1. There is no equivalent structure or function in the present invention to that of the guide bore 8 and slip agent 50 of Brandestini, and it would be unreasonable to compare the lubricated insertion process of cables through the guide bore to the interaction of the hardened mass within the structurally and functionally distinguished anchoring section.

The suggestion, teaching or motivation most obviously arising out of the combination of Flory and Brandestini would be to add a guide bore with Brandestini features to the anchor head of Flory for ease on inserting cables; which is not at all what is claimed here. Applicant asserts firmly that, as in the case of Flory, there is no disclosure of a slip agent on the conical wall of the anchor head of Brandestini for , nor is there any teaching, suggestion or motivation in the combination of Flory and Brandestini leading to it. For at least this reason, Applicant urges the withdrawal of this rejection as applied to new claim 22, and further as to claims 12-14 for at least the reason of being merely further limitations thereon.

Office rejects claim 14, alleging Flory to illustrate in Figs 3 and 4 at least two sockets. Applicant traverses this rejection, asserting in response that the Office is in error; that in the context of its specification, a "socket" is a *receiving body*, the equivalent of a Flory *anchor head*, and that the Flory Figs. 3 and 4 are sections of the same receiving body or anchor head, that of

Fig. 2, which are merely taken at different points along its length. For this reason, Applicant requests this rejection be withdrawn.

*Allowable subject matter*

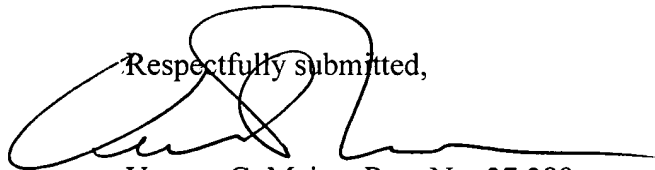
Office would allow claims 15-21 if rewritten or amended to overcome the 35USC112 rejections, which Applicant asserts to have been done herein, in part by adding new claims 23, 24, 25 to replace cancelled claims 15, 20 and 21 respectively. No new matter is added. Further, Applicant asserts the reasons for allowance to be broader than the mere recitation of one element from each of the independent claims, and relies on the specification and figures as a whole, in light of the prosecution, to support the allowance of these claims.

*Telephone Interview*

Present Office policy places great emphasis on telephone interviews initiated by the examiner. For this reason, it is not necessary for an attorney to request a telephone interview. Examiners are not required to note or acknowledge requests for telephone calls or state reasons why such proposed telephone interviews would not be considered effective to advance prosecution. However, it is desirable for an attorney to call the examiner if the attorney feels the call will be beneficial to advance prosecution of the application. MPEP§408.

Applicant believes the above amendments and remarks to be fully responsive to the Office Action, thereby placing this application in condition for allowance. No new matter is added. Applicant requests speedy reconsideration, and further requests that Examiner contact its attorney by telephone, facsimile, or email for quickest resolution, if there are any remaining issues.

Respectfully submitted,



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